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Attorneys for CONVIVA, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CONVIVA, INC.

Plaintiff,

V.

NICEPEOPLEATWORK, S.L., NPAW, Inc.,
FERRAN GUTIERREZ and SERGI VERGES

Defendants.

Case No. 3:16-cv-01543-VC

**CONVIVA'S OPPOSITION TO
DEFENDANTS ADMINISTRATIVE
MOTION FOR LEAVE TO FILE
SUBMISSION UNDER CIVIL L.R. 7-3(D)**

1 Plaintiff Conviva Inc. (“Conviva”) hereby opposes Defendants Ferran Gutierrez and Sergi
2 Verges’ request to file a “short submission” purportedly under Civil Local Rule 7-3(d) to address a
3 recent decision by this Court in the case *YLD Limited v. The Node Firm, LLC*. Rule 7-3(d) permits a
4 party to submit supplementary material in two circumstances – as an objection to evidence submitted
5 in a reply brief, and a statement of a recent judicial decision (without argument). Defendants
6 proposed submission is neither, and is not permitted under the Local Rules. Defendants were made
7 aware of the YLD decision at the parties’ CMC on August 23 when the Court advised Defendants to
8 review that decision in connection with their pending motion challenging personal jurisdiction. But
9 Defendants waited an additional nine days to raise its request for further briefing. Defendants’
10 motion is scheduled to be heard in two days, on Thursday, September 8, and Conviva does not
11 believe that either it or the Court should be burdened with further briefing on Defendants’ motion on
12 the eve of the hearing.

13 Dated: September 6, 2016

Respectfully submitted,

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By: /s/ Shane Brun

Shane Brun

Rachel M. Walsh

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1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certified that a true and correct copy of the above and foregoing
3 document has been served on September 6, 2016, to all counsel of record who are deemed to have
4 consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5-5. Any
5 counsel of record who have not consented to electronic service through the Court's CM/ECF system
6 will be served by electronic mail, first class mail, facsimile and/or overnight delivery.

7 Dated: September 6, 2016

Respectfully Submitted,

8 By: /s/ Shane Brun

9 Shane Brun

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